

**State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA**

Government Code § 11126 (a), (c)(3), and (e)

for

Wednesday, September 13, 2006

10:00 a.m.

Indian Wells, California

&

Sacramento, California

&

West Covina, California

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: September 1, 2006

RE: Closed Session of the Board on September 13, 2006

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1. COMBINED RENTAL SERVICES, INC., 05-R4D1-1470
2. McGUIRE & HESTER, 04-R2D1-1654

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ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

1. ABF FREIGHT SYSTEM, INC., 04-R4D3-3387
2. A & D PAINTING COMPANY, 04-R2D1-823
3. ALPINE ENGINEERED PRODUCTS, INC., 05-R2D1-2487 AND 2488
4. AMERICAN PIE LLC, 05-R3D5-728
5. AMP TREE SERVICE, INC., 05-R3D3-2968 THROUGH 2970
6. ANTONINI FRUIT EXPRESS, 06-R2D5-906 AND 907
7. BLAINE CONSTRUCTION CORP., 04-R3D3-3050
8. BOB & DAVE'S TOWING, 05-R3D1-2400
9. BRAND SPECIAL EVENTS, INC. dba MIKE BROWN GRANDSTANDS, INC.,
04-R3D1-1104
10. CPC DRYWALL, 04-R3D2-3323
11. CABLE CONSTRUCTION, 06-R3D2-315
12. CALCON STEEL CONSTRUCTION, INC., 05-R3D5-2972 THROUGH 2975
13. CARBON ACTIVATED CORPORATION 05-R4D3-2350
14. CARLISLE TIRE & WHEEL CO., 04-R4D4-1909
15. TERRY J. CAVES dba SACRAMENTO BUMPER AND COATING, 06-R2D1-
1393
16. CENTEX HOMES/SOUTH COAST DIVISION, 04-R3D1-125
17. CHOI ENTERPRISES, INC., 04-R4D1-2391 AND 2392
18. CONSOLIDATED FABRICATORS CORP, 06-R6D1-990 THROUGH 997
19. CONTINUOUS COATING, 03-R3D5-2059 THROUGH 2061

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20. COSTCO WHOLESALE, 04-R2D1-3264
21. C. OVERAA & COMPANY, 04-R1D5-522
22. COURTLAND INC., dba HAND CAR WASH USA, 06-R3D3-538 AND 539
23. CREATIVE STONE MFG dba CORONADO STONE PRODUCTS, 06-R3D3-1838 THROUGH 1841
24. CUSTOM GOODS LLC, 04-R3D5-985
25. CYPRESS COLLEGE, 04-R3D1-267
26. D & D GOLD PRODUCT CORP., 03-R6D2-4505 THROUGH 4510
27. DELTA SCIENTIFIC CORP., 04-R4D3-2778
28. D.H. SMITH COMPANY, INC., 04-R1D2-2306
29. DON HUBBARD CONTRACTING, 06-R3D2-514 THROUGH 516
30. DOUGLAS E. BARNHART, INC., 04-R3D1-1135
31. LAURA DRAKE dba LAURA SANDOVAL FLC, 05-R2D3-3281
32. DREYERS ICE CREAM, 06-R4D3-2356
33. DUNHAM ROOFING, INC., 04-R3D3-2713
34. EDGAR OCHOA PROFESSIONAL PAINTING, 04-R4D4-346 AND 347
35. ELLIOTT/DRINKWARD CONSTRUCTION CO., 04-R3D1-1753
36. ERIC F. ANDERSON, INC., 04-R1D3-255
37. FARMERS FIREBAUGH GINNING COMPANY, 05-R2D5-1693
38. FLORES PAINTING & DRYWALL, INC., 04-R1D2-1653
39. FOX SECURITY SERVICES, 04-R3D5-2730
40. GM CONSTRUCTION & DEVELOPERS, 04-R2D1-3100 AND 3101
41. GATEWAY PLASTERING, INC., 03-R3D2-4665 AND 4666
42. GEOTECH CONSTRUCTION, INC., 04-R1D4-074 AND 075

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43. GOGLANIAN BAKERY, 04-R6D2-710
44. GROWER DIRECT, 05-R2D4-1075 AND 1076
45. HEPPNER HARDWOOD, 04-R6D2-2822
46. HERRON CONSTRUCTION, 06-R3D3-534
47. HOFMANN CONSTRUCTION COMPANY, 04-R2D2-1735
48. HOWARD ROOFING CO., INC., 04-R4D3-1470
49. HYDRAULIC CRANE, INC., 04-R4D1-3055
50. HYDRAULIC INTERNATIONAL, 04-R4D3-1546 AND 1547
51. I & J TEXTILES, INC. dba DEPENDABLE KNITS, INC., 04-R4D2-2223
THROUGH 2226
52. RICHARD M. JOSEPH, 04-R1D5-2052 AND 2053
53. JEFFREY C. STONE, INC., dba SUMMIT BUILDERS, 03-R3D5-3081
54. JOE KELADA MD, 05-R2D1-3423
55. KORDEN, INC., 06-R3D3-501
56. LA CITY PUBLIC WORKS-HYPERION, 05-R4D1-2342 AND 2343
57. JOSE R. MARTINEZ FLC, 05-R2D3-3293 THROUGH 3295
58. McCASLAND, INC., 04-R4D1-3352
59. MERCY AIR SERVICE, 05-R3D3-2669
60. MID VALLEY PLASTERING INC., 05-R2D4-1430 THROUGH 1432
61. MILLER ENVIRONMENTAL, 04-R4D4-1203
62. MODERN CONTINENTAL, 02-R3D2-4651 AND 4652
63. CITY OF MODESTO, 03-R2D4-5221
64. MOUNTAIN CASCADE, INC., 04-R2D2-3104

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65. ROBERTO NORTON, 05-R4D1-3439 AND 3440
66. JOEL HUERTA OCAMPO dba JOEL LABOR CONTRACTORS, 06-R3D2-526 AND 527
67. PACIFIC COAST STEEL, INC., 04-R3D2-2901
68. PALMER'S CONSTRUCTION, 06-R6D2-677 AND 678
69. PAR ELECTRIC, 04-R3D2-630
70. PEERLESS BUILDING MAINTENANCE, 06-R2D3-236
71. PILOT AIR FREIGHT, 04-R6D1-2593 THROUGH 2595
72. PINNACLE BUILDERS, INC., 04-R2D2-2062 THROUGH 2065
73. PRECISE PAINTING, 06-R4D3-278
74. PREFERRED PERSONNEL, 04-R3D5-102
75. PUENTE HILLS TOYOTA, 04-R4D4-2800 AND 2801
76. R.B. CONSTRUCTION, INC. aka L & B ENVIRONMENTAL, 04-R2D4-4169
77. RRL CORPORATION dba LEXUS OF WESTMINSTER, 05-R3D5-2124
78. RALPH ROCCA CONSTRUCTION, 06-R3D3-316 AND 317
79. RIDOUT ROOFING COMPANY, INC., 05-R2D4-1427 THROUGH 1429
80. ROBERTSON'S READY MIX, 04-R5D3-1553 AND 1554
81. ROGERS PLUMBING, 04-R4D1-635 AND 636
82. ROOF STRUCTURES, 05-R1D3-1406
83. SAFE PLATING, INC., 06-R6D2-1679 THROUGH 1682
84. SAFE PLATING, INC., 06-R6D2-1683 THROUGH 1684
85. SAFEWAY DISTRIBUTION CENTER, 06-R2D4-1798 AND 1799
86. SHAW DIVERSIFIED SERVICES, 04-R4D4-2135 THROUGH 2137

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87. SOLID GOLD HEALTH PRODUTS FOR PETS, INC., 04-R3D2-095 THROUGH 099
88. SOUTHERN CALIFORNIA EDISON, 04-R3D3-1447
89. SPECTRUM ELECTRICAL SERVICES CORPORATION, 04-R3D1-2079 AND 2080
90. STAFFING SERVICES LLC, 04-R3D5-987
91. STANFORD UNIVERSITY, 04-R1D2-1269
92. SUPERIOR NISSAN, 04-R3D5-1773
93. TARGET, 04-R2D2-3831
94. THE STANOVENSKY CORPORATION dba STANCON ROOFING, 04-R2D1-1415
95. TREND TECHNOLOGIES, 05-R3D3-2954 THROUGH 2957
96. VENTURA HYDRAULICS & MACHINE WORKS, INC., 06-R6D2-681
97. WESTERN DOOR GENSTAR ENT, 04-R3D3-1149
98. WESTERN SIERRA FOODS, 03-R6D1-4978
99. WESTEX AUTOMOTIVE CORP., 04-R6D1-2992 THROUGH 2994
100. WHITHAM CONSTRUCTION, 05-R4D3-3991 AND 3992

ORDERS DISMISSING APPEALS:

(Written order issued by an Administrative Law Judge disposing of an Employer appeal.)

1. BASIC ELECTRIC INC., 03-R3D1-5048 AND 5049

PETITION FOR RECONSIDERATION:

(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)

1. ALL AMERICAN PETROLEUM CORP., 03-R3D1-4729

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DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

1. ALL AMERICAN PETROLEUM CORP., 03-R3D1-4729
2. GLOBAL BAKERIES, 02-R6D2-3821 AND 3822

DECISIONS AFTER RECONSIDERATION (DRAFTS):

(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)

1. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
2. AC FRAMERS INC., 03-R2D3-3475
3. AIR PRODUCTS AND CHEMICALS, INC., 06-R3D7-151 THROUGH 154
4. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
5. BLUE DIAMOND MATERIALS, 02-R5D2-1268
6. BRYDENSOT METAL PRODUCTS, 03-R3D3-3554 AND 3555
7. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
8. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
9. CITY OF COMMERCE, 03-R4D2-2628
10. CITY OF LOS ANGELES FIRE DEPARTMENT, 03-R2D5-3960
11. COX COMMUNICATIONS, 03-R3D2-1942
12. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
13. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
14. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3130 & 3131
15. GLASS PAK, 03-R2D2-0750 AND 0751
16. HARRIS CONSTRUCTION COMPANY, INC., 03-R2D5-3914
17. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
18. HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 & 1619

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19. HUSSMAN CORPORATION, 03-R3D1-2939
20. ILH CONSTRUCTION, 02-R1D1-4171 & 4172
21. IMPERIAL HIGHWAY CHEVRON, 03-R4D2-2778 THROUGH 2780
22. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
23. K. A. BINE CONSTRUCTION, 03-R1D5-2031
24. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
25. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
26. KNOTT'S BERRY FARM, 01-R3D1-4331 & 4332
27. LONG BEACH CITY COLLEGE, 03-R3D5-2747
28. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
29. LOWPENSKY MOULDING, 03-R1D1-3405
30. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
31. McDONALDS #10660, 03-R1D3-4116 & 4117
32. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
33. NORTH FORK SPRINGS CONSTRUCTION, 02-R4D1-199 THROUGH 202
34. PMR RACE CARS, 03-R3D3-1824 & 1825
35. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
36. RII PLASTERING INC., 02-R3D1-2679
37. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH 1656
38. SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
39. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
40. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
41. TRIO METAL, 03-R4D4-0316 & 0317

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- 42. UNITED AIRLINES, 00-R1D5-2844
- 43. WAREHOUSE DEMO SERVICES, 03-R1D4-3427
- 44. WESTERN DOOR, 01-R3D1-2827
- 45. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 & 3018

PENDING LITIGATION

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

SUPERIOR COURT:

- 1. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
- 2. TEICHERT AGGREGATES, 03CS00659 (01-1193)
- 3. HARBOR SAND & GRAVEL, INC., 03CS00974 (01-1016)
- 4. LUIS E AVILA (E & L AVILA LABOR), ECU01582 (00-4067)
- 5. MOUNTAIN CASCADE, 03CS01655 (01-3561)
- 6. RUDOLPH & SLETTEN, 04CS00540 (01-478)
- 7. PACIFIC RESOURCE RECOVERY, 04CS00695 (00-1108)
- 8. BLF FRAMING, INC., 04CS01618 (02-1837/38)
- 9. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)

APPELLATE COURT:

- 1. C. OVERAA & CO., CO51245 (04CS00570) 01-3560
- 2. THE HERRICK CORP., CO51506 (01CS00438) 97-1373

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OTHER LEGAL MATTERS

(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)

PERSONNEL *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.